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Attorneys for Defendants

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**OREGON NATURAL DESERT  
ASSOCIATION; OREGON WILDLIFE  
FEDERATION; IDAHO WATERSHEDS  
PROJECT; and COMMITTEE FOR  
IDAHO'S HIGH DESERT,**

Case No.: 3:98-cv-00097-AA

DEFENDANTS' NOTICE OF  
FILING OF ANNUAL  
REPORT

Plaintiffs,

v.

**DON GONZALEZ**, in his official capacity as Vale District Manager, Bureau of Land Management; **THOMAS ("PAT") RYAN**, in his official capacity as Jordan Resource Manager, Bureau of Land

Management; **U.S. BUREAU OF LAND MANAGEMENT**, an agency of the U.S. Department of the Interior; and **DAVID BERNHARDT**, in his official capacity as Secretary of the Department of the Interior,

Defendants,

and

**OREGON CATTLEMEN'S ASSOCIATION**, a non-profit organization on behalf of its members,

Defendant-Intervenor.

In accordance with paragraph 12 of the Court's Order of Modified Injunction entered on April 28, 2000 (Dkt. #315), in the above-captioned action, Defendants hereby give notice of their filing of the attached annual report, dated Feb. 27, 2020, addressing compliance with the Court's orders, progress on the environmental impact statement, and projected work for the coming year.

DATED this 28 day of February 2020.

Respectfully submitted,

BILLY J. WILLIAMS  
United States Attorney  
District of Oregon

/s/ Sean E. Martin  
SEAN E. MARTIN  
Assistant U.S. Attorney



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

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In Reply Refer To:  
8351 (ORV000)

FEB 27 2020

**Report to District Court of Oregon  
Regarding Compliance with Order of Modified Injunction  
ONDA v. Palma (Owyhee Wild and Scenic River)  
Civil No. 98-97-RE  
February 27, 2020**

The following is the Bureau of Land Management's (BLM) 19<sup>th</sup> annual report – pursuant to section 12 of the Order of Modified Injunction of April 28, 2000. We are reporting on: 1) compliance with the Order for the period of March 01, 2019 through February 28, 2020; 2) progress toward completion of the EIS; and 3) projected work for the year to come (fiscal year 2020). The format of this report corresponds with the specific section of the Order, to the extent that there are associated actions to report.

**Compliance with the Order:**

**Section 1. and 2.** As previously reported, these closures and/or terms and conditions, remain in effect and will not be reported on further, unless there is a failure to perform or other non-compliance.

**Section 3.** BLM made every effort to ensure that this section of the Order was followed. BLM staff coordinated and monitored project development, conducted grazing use supervision, and monitored resource conditions. These workloads were done in addition to other high priority and/or unplanned District work (such as: oversight and monitoring of the Wild and Scenic Owyhee River boating season; continuing progress on the Southeastern Oregon Resource Management Plan (SEORMP) Amendment and EIS; preparation of the Louse Canyon Geographic Management Area EIS; preparation of the Tri-State Fuel Break EIS; the implementation of the Oregon/Washington Greater Sage-Grouse EIS; Endangered Species Act consultation; emergency wildfire suppression and post fire rehabilitation efforts. BLM staff conducted numerous compliance checks using ground vehicles, river floats, horseback, hiking and an aerial patrol.

**Section 4.** Specific details in regard to cattle management (herding, etc.) will be addressed in later sections.

**Section 6.** Post trailing inspections, river trips and other site visits revealed no problems from livestock trailing. Priority focus went to resource inventory, utilization checks, grazing supervision, trespass abatement and coordination. BLM will strive to observe and document any impacts from trailing or unauthorized use when monitoring resumes in March 2020. To the best of BLM's knowledge, based on conversations with affected permittees, staff observations and post use reports, livestock trailing occurred without incident.

Sections 7, 8, 9 and 11 of the Modified Order of Injunction are summarized in the following table (all of the deficiencies reported were corrected in a timely manner):

<b>Table 4. Areas of Concern Summary of Patrol Observations</b>					
<b>Area of Concern</b>	<b>Land (L) or Boat (B)?</b>	<b>Date</b>	<b>Livestock Observations</b>	<b>Fence Condition</b>	<b>Other Observations</b>
<b>Lower section of Main Owyhee (Rome to Birch Creek)</b>					
Greely Bar	B	4/2	None observed	Good	Gate closed as required
Greely Bar	B	4/18, 4/27, 5/16, 6/12, 7/3 (aerial)	None observed	Did not inspect	
Hole-in-the-Ground	B	4/2	Cattle in Quartz Allotment Hole in the Ground pasture	No fence	Livestock were grazing on uplands. Grazing is authorized until 4/15
Hole-in-the-Ground	B	4/18, 4/26, 5/15, 6/12, 7/3 (aerial)	None observed	No fence	Livestock were removed between 4/2 and 4/18
Bull Creek	B	4/2	None observed	Good	Gate open as required. No sign of wild horses using AOC on all patrols. No livestock sign on all patrols.
Bull Creek	B	4/18, 4/26, 5/15, 6/11, 7/3 (aerial), 10/31	None observed	Did not inspect	
Ryegrass Navarro	B	4/2	None observed	Good	Slight sign of crossing at Ryegrass crossing. No sign of crossing at Navarro crossing.
Ryegrass Navarro	B	4/18, 4/25, 5/14, 7/3 (aerial), 10/31	None observed	Did not inspect	
Sand Springs	B	4/1	None observed	Good	Gate open as required. No sign of wild horses using AOC on all patrols. No livestock sign on all patrols.

**Table 4. Areas of Concern Summary of Patrol Observations**

<b>Area of Concern</b>	<b>Land (L) or Boat (B)?</b>	<b>Date</b>	<b>Livestock Observations</b>	<b>Fence Condition</b>	<b>Other Observations</b>
Sand Springs	B	4/17, 4/25, 5/14, 6/11, 7/3 (aerial)	None observed	Did not inspect fence this patrol	
Granite Creek	B	4/1	None observed	Good	Gate open as required. No sign of wild horses using AOC on all patrols. No livestock sign on all patrols.
Granite Creek	B	4/17, 4/25, 5/14, 6/11. 7/3 (aerial)	None observed	Did not inspect	
Fletcher Trails	B	4/1	None observed No livestock sign	Good, one was Fair	All fences were good except one short segment that crosses an ephemeral stream is in fair condition.
Fletcher Trails	B	4/17, 4/24, 5/13, 6/11, 7/3 (aerial)	None observed	Did not inspect	No sign of wild horses using AOC on all patrols.
Sand Hollow	B	6/3, 7/2 (aerial)	None observed	Did not inspect	
Deary Pasture	B	6/2, 7/2 (aerial)	None observed	Did not inspect	
Three Forks	L	6/2, 7/2 (aerial), 7/23	None observed	Good	
5 Bar	B	6/1, 7/2 (aerial)	None observed	Did not inspect	
Anderson Crossing	L	7/24	None observed	Good	No sign of livestock crossing
Upper West Little Owyhee	L	10/2	None observed in AOC. Witnessed livestock operators trailing around AOC.	Good	

Anticipated Progress Toward Completion of EIS (FY2020)

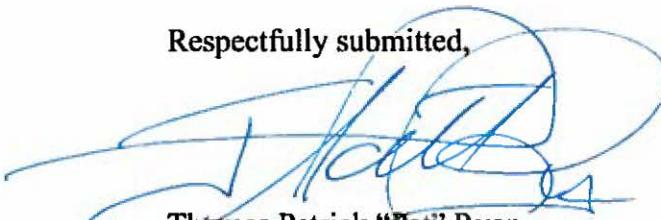
In May of 2019 the BLM published the Draft Southeastern Oregon Resource Management Plan Amendment and Environmental Impact Statement. This document in Appendix O, publishes a list of the grazing allotments that were made unavailable to livestock grazing as a result of the 2000 Order of Modified Injunction (CIV #98-97-RE) or the 2002 Southeastern Oregon Resource Management Plan (SEORMP) Record of Decision (ROD). These tables were included in the Amendment to clarify the areas listed in the 2001 SEORMP Final Environmental Impact Statement and 2002 ROD. An accurate, complete listing has been provided in the Appendix and is shown on Maps LVST-1 and LVST-2 in Appendix M of the SEORMP DEIS Amendment.

In FY 2020 the Vale District will continue working towards the completion of the SEORMP amendment FEIS and ROD.

Limited progress is expected on the Owyhee WSR plan in 2020, but these efforts also remain a District priority.

BLM will continue to conduct use supervision and monitoring of river values within areas of concern, campsites and other areas where use occurs within the river corridor.

Respectfully submitted,



Thomas Patrick "Pat" Ryan  
Field Manager  
Malheur Field Office